

## Remarks

### Status of the Claims

Claims 19-34 and 36-40 were pending in the application. All claims stand rejected. By this paper, claims 19, 21, 28, 30-31, 36, 39, and 40 have been amended, and claim 29 has been canceled without prejudice or disclaimer. For the reasons set forth below, Applicant submits that each of the pending claims is patentably distinct from the cited prior art and in condition for allowance. Reconsideration of the claims is therefore respectfully requested.

### Claim Rejections – 35 U.S.C. § 112

Claim 37 stands rejected under 35 U.S.C. § 112, first paragraph, as allegedly not being supported by the original specification. Applicant respectfully traverses this rejection. Claim 19, from which claim 37 depends, has been amended herein to recite a media stream that is **modified** by replacing a first sequence of content items with a second sequence of content items based on negative user feedback. The modification of the first sequence of content items, however, may comprise skipping a content item with respect to which the user provides negative feedback or it may comprise preparing a new sequence of content items which is personalized based on the user feedback. See, for example, the third paragraph on page 10, line 15, of the specification of the originally filed application, which states:

In case of dislike is input, in a following third step S3 an update of the user profile and therewith also of the currently received media stream that is output via the first media player 2 is requested, whereupon a fourth step S4 is performed. In case of skip is input in the second step S2, 20 the processing directly continues with the fourth step S4.

See also, for example, the second paragraph on page 5, line 8, of the specification of the originally filed application, which discusses in the alternative, further personalization of the content items based on the user feedback:

In the content output device according to the present invention still further alternatively or additionally preferably said content items provided by said first media source are personalized to a user of the content output device, wherein the media stream gets changed after a certain feedback of the user, which feedback is provided to the first media source.

See also, for example, figure 4 and the third paragraph on page 12, line 26, of the specification of the originally filed application, which discusses playing a content item channel and responding to user feedback by skipping a content item (specifically, step S27 in figure 4):

Simultaneously with the fifteenth step S26, the stream controller interface 1 initiates a skipping of the currently streamed song with the main player interface 2 in a sixteenth step S27. Thereafter, the main player interface 2 initiates a buffering of the next streamed song in a following seventeenth step S28 and upon completion thereof confirms that the buffer is ready to the stream controller interface 1 in a following eighteenth step S29.

Support for these amendments may also be found, for example, in the paragraph beginning on page 9, line 19 of the originally filed application, which states:

FIG. 2 shows an output of the content output device 1 according to the present invention. When, after a first skip/dislike indication by the user a first buffering of 12 seconds is performed before a new song sequence that is **adapted to this user feedback** is output, simultaneously a 12 second long jingle is output to the user via the second media player 3. After the buffering is completed the jingle is stopped and the song sequence that is adapted to this user feedback is output. In the shown case the user again rates this media stream in the seventh song by a second skip/dislike indication, hereafter a 10 seconds buffering occurs until **a newly adapted song sequence** is output. During this 10 seconds buffering again a jingle is output to the user via the second media player 3. As the song sequence output after the first skip/dislike indication, also the song sequence after the second skip/dislike indication is unlimited, i.e. **songs will be continuously communicated to the first media player 2**

***within content output device 1 and be output***, until a next skip/dislike indication or other feedback or rating of the user to the currently output song sequence is given, ***in which case the content output device 1 initiates another adaptation of the media stream that carries the song sequence***, which leads to another buffering with simultaneous output of a jingle with corresponding length via the second media player 3.

(Emphasis added).

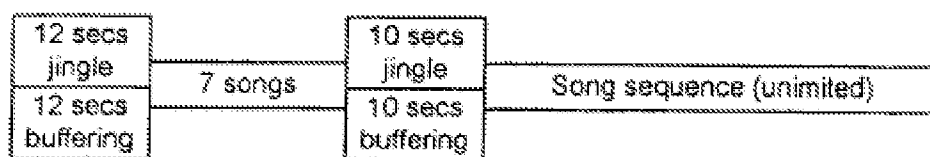
Thus, as disclosed in the specification and as recited in amended claim 19, the media player unit receives a media stream from the first media source that is adapted or modified based on the negative user feedback. The modification of the media stream includes replacing a first sequence of content items with a newly modified (second) sequence of content items. Because the media stream includes the first sequence of content items followed by the second sequence of content items, the second sequence is a continuation of the first sequence, as recited in claim 37. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

#### Claim Rejections – 35 U.S.C. § 103

Claims 19-22, 25-30, 32-34, 36, and 38-40 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication No. 2002/0133247 by Smith et al. (“Smith”) in view of U.S. Patent No. 6,593,973 by Sullivan et al. (“Sullivan”). Claims 23 and 37 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Smith in view of Sullivan and in further view of U.S. Patent No. 6,452,609 issued to Katinsky et al. (“Katinsky”). Claims 24 and 31 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Smith in view of Sullivan and in further view of U.S. Patent No. 7,023,488 issued to Szybiak et al. (“Szybiak”). These rejections are respectfully traversed. As set forth below, Applicant respectfully

submits that each of the pending claims is patentably distinct from the cited references, individually and collectively.

As discussed above, and as shown in FIG. 2 (reproduced below) of the present application, an aspect of the present application is that a media stream from a first media source includes a first sequence of content items and a second sequence of content items. In the example shown in FIG. 2, the first sequence of content items in the media stream includes 7 songs. The second sequence of songs also includes multiple songs and is continuous (at least until further feedback is received from the user).



**Fig. 2**

While a media player is playing one of the songs in the first sequence, a user may provide feedback to the media player. For example, as shown in Fig. 1 of the present application, the user may press a “skip-forward” button 6, a “skip-backward” button 7, a “like” button 8, or a “dislike” button 9. If the user feedback is negative, then the media player sends a request to modify the overall media stream by replacing the first sequence of songs with a second sequence of songs based on the negative feedback. The independent claims have been amended herein to clarify that “negative user feedback” is feedback that indicates that the user dislikes the current song. Merely skipping to the next song, for example, may not provide an indication of whether or not the user likes the current song. For example, steps S2, S3, and S4 in Fig. 3 and

paragraphs [0050]-[0052] of the present application provide a distinction between “dislike” and “skip.” If the user indicates a “dislike” for the current song, then the user profile is updated and the media stream is modified with new songs that are based on the changed profile. If the user indicates a “skip,” then the profile is not changed and the user is provided with the next song in the sequence based on the unmodified profile.

By way of contrast with the present claims, Applicant respectfully submits that Smith, Sullivan, and Katinsky, either individually or when combined, do not teach or suggest requesting that a first media source modify a media stream with a second sequence of songs based on negative user feedback indicating that a user dislikes a first content item.

In particular, Smith teaches a buffer that allows a media player to continue to play at least one stream while switching between a first and a second media stream, without interruption. The “user feedback” is a selection of a new media stream, not an expression of a user preference/ranking of a then-currently-playing media item. Page 4 of the current Office Action states that “given that a ‘skip’ indicates that a user no longer desires the content, a ‘skip’ can be read as ‘negative feedback.’” As discussed above, however, the independent claims have been amended to clarify that “negative feedback” must be associated with an indication that the user dislikes the current content, rather than a mere indication that the user wishes to skip, change views, or change channels. Applicant respectfully submits that Smith does not provide any teaching of a negative connotation being associated with a user’s desire to switch streams that would indicate that the current user dislikes the current stream. Rather, Smith is silent as to whether or not switching streams is an indication of like or dislike.

Smith is also silent as to as to sequences of streamed content items. Rather, Smith teaches selecting discrete content items. See, for example, paragraph [0039] of Smith, which was cited by the Examiner and reproduced below:

[0039] For example, the user may be watching a sporting event playing as a first media stream in media player 204. The first media stream may be a default camera coverage of the event, and media stream selector 206B may represent a second media stream from a camera mounted in a blimp over the field. When the user selects media stream selector 206B, media client 110 requests the second media stream. In conventional systems, when the user chooses to play a second media stream, play of the first media stream is interrupted or halted while the second media stream is acquired. Often times, the image in media player 204 is blank or frozen and remains so until the second media stream is acquired and begins playing. The present invention, however, provides a mechanism to ensure seamless switching from the first media stream to the second media stream.

Smith teaches that a media server transmits multimedia content data as a first media stream over a network to a media client. At some point, a request to play a second media stream at the media client is detected. Paragraph [0011]. Smith, however, does not teach that the first media stream includes a **sequence** of content items, or that the second media stream includes another **sequence** of content items. Further, Smith does not teach or suggest sending a request to modify one of the media streams. Rather, Smith teaches switching, as desired by the user, between two completely different streams. Thus, Smith is unrelated to the subject matter of the present claims, as amended herein.

Regarding Sullivan, Sullivan deals with providing a filler for a transition delay between first and second video sources (which may include conventional TV programming or the UI for the player), when the video sources are picked by the user. In Sullivan, "user feedback" is selecting a new channel or video source. However, "user

feedback” in Sullivan is not an expression of a user preference/ranking, as required by the claims.

Sullivan also fails to teach requesting that a media stream be modified by replacing a first sequence of content items with a second sequence of content items. According to page 5 of the Office Action, “Sullivan discloses an apparatus for providing information in video transitions.” The “transition period” in Sullivan occurs when a channel is changed or when the system switches from one video device or application to another video device or application. See, *e.g.*, col. 1, lines 13-25 (stating that “while switching from one channel to another with a satellite receiver, there is a transition time”). Merely switching channels or devices is unrelated to the pending claims. Rather than sending a request to modify a media stream, as required by the amended claims, Sullivan simply teaches changing channels or devices.

Katinsky is directed to using a webpage to modify media playlists. Katinsky does not include a concept of a user rating a specific media item, nor does Katinsky include automatically updating a playlist based on a user rating. Katinsky describes automatic playlists that may be generated based on music played within a time period (*e.g.*, “last week” in col. 9, line 1) or music that has not been played (see, *e.g.*, col. 8, lines 66-67) or based on a “personal preference or interest profile defined by the user,” (see, *e.g.*, col. 2, lines 58-60). However, Katinsky does not teach or suggest playlists updated based on a user rating of a specific media content item nor dynamically and automatically updating a playlist based on a user rating.

Thus, Smith, Sullivan, and Katinsky, whether considered individually or when combined, do not teach or suggest a media player that, in response to negative user feedback indicating that the user dislikes a first content item is configured to:

***send a request to said first media source to modify said media stream*** received from said first media source by ***replacing*** said first sequence of content items in said media stream ***with a second sequence of content items*** to be continuously communicated from said first media source, said second sequence of content items selected based on said negative user feedback, said request associated with a delay time during which said second sequence of content items is not available for output by said media player unit;

as required, among other things, in amended claim 19. (Emphasis added). Similar limitations are found in independent claims 28 and 36. Thus, Applicant respectfully requests that the rejections be withdrawn.

### Conclusion

For at least the foregoing reasons, the cited prior art references, whether considered individually or in combination, fail to disclose each of the limitations in any of the pending independent claims. For at least the same reasons, each of the claims depending therefrom are also patentably distinct from the cited prior art.

In view of the foregoing, all pending claims represent patentable subject matter. A Notice of Allowance is respectfully requested.



Respectfully submitted,

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